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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,288	04/09/2004	Pedro Angel Fernandez	200-66700 (2003-00758)	1114
33402	7590	10/11/2005	EXAMINER	
LAW OFFICES OF MARK C. PICKERING P.O. BOX 300 PETALUMA, CA 94953			FORD, JOHN K	
		ART UNIT		PAPER NUMBER
				3753
DATE MAILED: 10/11/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/821,288	FERNANDEZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	John K. Ford	3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 8/8/05.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 10-15 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

Applicant's election of apparatus claims 1-10, without traverse, in his August 8, 2005 response is acknowledged. In a telephone conversation with the undersigned on October 5, 2005, Mr. Pickering elected the species of wall-mounted heat exchanger shown in Figure 2 (an election that was inadvertently omitted from his August 8, 2005 response). Claims 1-9 appear to be readable on the elected species. Accordingly, claims 10-15 are withdrawn from consideration here as being drawn to non-elected species and inventions.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Reinhard (USP 4,386,651).

Reinhard (Figures 1 and 5, in particular) shows a cabinet with a heat exchanger mounted to the outer surface thereof. There is no explicit door shown however these cabinets are known by those of ordinary skill in the art to inherently possess some sort of door to allow the repairperson access to the interior of the cabinet, and a door is

discussed at column 1, line 18, evidence that a door is inherent and/or extremely obvious for the above stated reason.

Claims 1-5 and 9 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kormos (DE 197737531).

See Figures 8 and 9 shows a cabinet with a heat exchanger mounted to the outer surface thereof. There is no explicit door shown however these cabinets are known by those of ordinary skill in the art to inherently possess some sort of door to allow the repairperson access to the interior of the cabinet, and a door, if there were none, would have been extremely obvious to have added for the above stated reason.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Kormos as applied to claims 1-5 and 9 above, and further in view of Reinhard.

To have reversed the rotation of the fans in Kormos so that the flows were as shown in Figure 5 of Reinhard, would have been obvious to one of ordinary skill in the art to improve cooling at the upper end of the cabinet, if the designer would wish that result, such as when using high dissipation components in that location.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over any of the prior art as applied to claims 1-9 above, and further in view of Takala et al (USP 6,494,252).

Takala is simply cited to show that electronics cabinets have doors on them and that a heat exchanger is mounted to a sidewall of the electronics cabinet. To have used a door in the prior art electronics cabinet discussed in the rejections above and to have mounted the prior art heat exchanger discussed in the rejections above to a sidewall of the electronics cabinet, would have been obvious to one of ordinary skill to gain access to the electronics cabinet for servicing and to provide necessary cooling to the cabinet.

Any inquiry concerning this communication should be directed to John K. Ford at telephone number 571-272-4911.



John K. Ford  
Primary Examiner